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2004 JUL 12 PM 4:43  
U.S. DISTRICT COURT  
DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.

Plaintiff/Counterclaim-  
Defendant,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-  
Plaintiff.

**EX PARTE MOTION FOR LEAVE  
TO FILE OVER-LENGTH  
MEMORANDUM**

**Civil No. 2:03CV0294 DAK**

**Honorable Dale A. Kimball**

**Magistrate Judge Brooke Wells**

Plaintiff/Counterclaim-Defendant The SCO Group ("SCO") hereby moves the Court pursuant to District Court Rule 7-1(e) for leave to file an over-length Reply Memorandum Regarding Discovery.

The discovery issues raised in the present briefing go to the very heart of the issues in this case. Nearly a year ago, SCO requested the most basic discovery in this case from IBM, including versions of AIX and Dynix code. IBM, in large part, has refused to provide the requested discovery

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which, as described in SCO's Opening Memorandum is essential to the development of SCO claims and defenses. IBM's Responsive Memorandum is 19 pages in length and raises several issues as to why IBM should not have to produce the requested, essential information even under the liberal discovery rules. Given the importance of the issues to SCO, it is necessary for SCO to fully address, clarify and rebut IBM's arguments and explain to the Court the importance of the requested discovery.

To address these issues and place them in context for the Court, SCO respectfully requests leave to file an over-length memorandum. SCO's Memorandum now contains 28 pages of argument exclusive of statement of facts, face sheet and table of contents. SCO respectfully submits that the excess length is necessary to fully address the issues.

DATED this 12<sup>th</sup> day of July, 2004.



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**CERTIFICATE OF SERVICE**

Plaintiff, The SCO Group, hereby certifies that a true and correct copy of **EX PARTE MOTION FOR LEAVE TO FILE OVER-LENGTH MEMORANDUM** was served on Defendant International Business Machines Corporation by first class mail on the 12th day of July, 2004, as follows:

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